

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY CRIVELLO RUSSO,

Plaintiff,

DECLARATION

-against-

JAN B. GOLDING, POLICE OFFICER, JOHN
DIMILIA, SEARGEANT, DARREL ALGAREN,
POLICE OFFICER, MICHAEL GUEDES, POLICE
OFFICER, JOSEPH VOUSDEN, TROOPER, and
KEVEN M. CHORZEMPA, POLICE OFFICER,

Docket No.
07 Civ. 5795
(KMK) (MDF)

Defendants.

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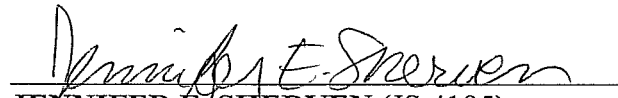
JENNIFER E. SHERVEN, an attorney duly admitted to practice law in the State of New York, declares the following to be true, under penalty of perjury:

1. I am associated with the law firm of MIRANDA SOKOLOFF SAMBURSKY SLONE VERVENIOTIS LLP, attorneys for defendants JOHN DIMILIA, DARREL, ALGAREN and MICHAEL GUEDES (hereinafter the "Wallkill Defendants") in the above-captioned action. As such, I am fully familiar with the facts and circumstances set forth herein. I submit this declaration in support of the Wallkill Defendants' motion to dismiss, pursuant to Fed. R. Civ. P. 12(b)(6).

2. As set forth in the accompanying Memorandum of Law, all of plaintiff's claims arising out of his December 24, 2004 arrest and prosecution are barred as a matter of law by his criminal conviction and therefore fail to state a cause of action against the Wallkill Defendants. Plaintiff's claims under state law are barred by the statute of limitations and his failure to file a notice of claim. The balance of plaintiff's claims are incomprehensible and fail to set forth any cognizable claim at law.

3. Annexed hereto as Exhibit "A" is a copy of plaintiff's Amended Complaint.

Dated: Mineola, New York
November 15, 2007

A handwritten signature in dark ink, appearing to read "Jennifer E. Sherven", is written over a horizontal line.

JENNIFER E. SHERVEN (JS 4195)

MIRANDA SOKOLOFF SAMBURSKY

SLONE VERVENIOTIS LLP

Attorneys for Defendants

JOHN DIMILIA, DARREL ALGAREN, and

MICHAEL GUEDES

240 Mineola Boulevard

The Esposito Building

Mineola, New York 11501

(516) 741-7676

Our File No.: 05-233